



MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

REQUEST FOR QUALIFICATIONS (RFQ)

RFQ#: 139B-23

COMMBUYS # BD- 23-1206-40000-40000-91614

RENEWABLE ENERGY CERTIFICATES (RECS)

Date Issued: August 4, 2023



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Attachments:

MBTA Terms and Conditions

REC Transaction Agreement – For Review Purposes Only – Do not Submit with RFQ Response

REC Pricing Sheet – For Review Purposes Only - Do not Submit with RFQ Response



Attn: Bidders
Request for Qualifications (RFQ) # 139B-23
RFQ Description: Renewable Energy Credits

Dear Bidders:

The Massachusetts Bay Transportation Authority (“MBTA” or “Authority”), a corporate and a political subdivision of the Commonwealth of Massachusetts, existing pursuant to Mass. Gen. Laws, ch 161A (as amended) invites Bidders to participate in the competitive bid for Renewable Energy Certificates (RECs) RFQ# 139B-23. The Scope of Work is outlined below in Section 2. The MBTA may at its own discretion award contract(s) to one or multiple Bidders. All formal communication with the MBTA during the bidding period shall be only through the MBTA’s designated point of contact or his designee.

The MBTA’s designated point of contact for this solicitation will be:

Rob Weiner
Massachusetts Bay Transportation Authority
10 Park Plaza, Room 2810
Boston, MA 02116
Email: rweiner@mbta.com

The RFQ shall be launched through COMMBUYS. Bidder Responses to the RFQ must be submitted electronically no later than 9/14/2023 at 2:00 PM, in full compliance with this RFQ including but not limited to Section 3, Bidders Instructions and Procurement Process.

RFQ responses will be evaluated and qualified Bidders will be invited to provide pricing on September 20, 2023 with contract execution within 48 hours. See Section 3.3 for the procurement timeline.

Bidders please note: The MBTA is also seeking Wholesale Electricity through RFQ #139A-23 which will be published on August 4, 2023. Bidders may respond to one or both RFQs.

This RFQ and subsequent RFP shall remain in force until the execution of the Contract, or until modified or cancelled by the MBTA.

Respectfully,

Rob Weiner
Massachusetts Bay Transportation Authority
RFQ # 139B-23
COMMBUYS Bid # BD- 23-1206-40000-40000-91614



1. INTRODUCTION

The Massachusetts Bay Transportation Authority (“MBTA” or “Authority”) is designated as a wholesale entity for the purposes of purchasing energy and making sales for resale and is a market participant in ISO-NE.

The MBTA is seeking supply of Renewable Energy Credits (“RECs”) as described in Section 2.1 and issues this Request for Qualifications (“RFQ”) 139B-23 for response by qualified Bidders. Submission of a response as described in this RFQ is required to pre-qualify and participate in a subsequent Request for Proposal (“RFP”). The subsequent RFP will be issued to those pre-qualified bidders by MBTA for price submission.

All Bidders must be NEPOOL market participants.

Please note that the quantity and nature of changes proposed to MBTA Terms and Conditions (Attachment 1) will be considered in evaluating RFQ responses. The supplier(s) selected through a subsequent RFP process will be required to execute the MBTA’s Standard Contract as finally agreed upon with such supplier(s).

The contract will begin at 12:00am January 1st, 2024.

Pricing is not requested with the RFQ response; however, Bidders must include with their Response the bidder contact information for the RFP (or pricing) phase on October 3, 2023. MBTA is not responsible for any bidder technical issues experienced by bidder including receiving and/or sending electronic communications or the availability of the bidder assigned contact person from the time of MBTA’s request for pricing and bidder response to the same.

The MBTA reserves the right to award to one or more bidders in order to establish sources of supply from multiple projects and locations, diversify geography, select a broad supplier base, and obtain a variety of energy sources.

2. SCOPE OF WORK

2.1 Renewable Energy Credits

- 2.1.1 The MBTA seeking pricing and availability of New England Qualified Renewable Energy Credits (“RECs”) for a 3-year, 4-year, or 5-year Contract Term. The MBTA seeks to cover its full load of 360,000 MWh annually for the Contract Term.
- 2.1.2 The Contract Term begins at 12:00 AM, January 1, 2024, and continues through December 31, 2026, December 31, 2027, or December 31, 2028.
- 2.1.3 Bidders must be NEPOOL market participants registered in NEPOOL GIS. All RECs, both Class 1 and Class 2, must be sourced from projects within the NEPOOL GIS system. All bids must source RECs from renewable projects that have their production tracked and certified in the NEPOOL GIS system. The MBTA will only accept bids from projects that generate RECs through the NEPOOL GIS system.
- 2.1.4 Bidders must specify and submit bids for credits by type & class of all credits they are able to provide at the pricing submitted. The MBTA will accept a



mix of RECs certified in any New England state for firm delivery and tracking in the NEPOOL GIS system.

2.1.5 The Authority is asking for bids for several combinations of RECs listed below. 100% of the MBTA load is 360,000MWh, or 360,000 RECs annually.

- (a) 100% MA Class 1 Renewable Energy Credits
- (b) 30% MA Class 1 and 70% Class 2 Renewable Energy Credits
- (c) 100% Class 2 Renewable Energy Credits

2.1.5.2 Bidders supplying Class 1 MA RECs do not have to provide the total volume the MBTA is seeking. Bidders may bid a quantity of Class 1 MA RECs they can provide.

2.1.5.3 **The Class 1 Renewable Energy Credits should fill any of the following specifications.**

- (a) Meet all Massachusetts requirements to qualify as RPS Class I RECs according to The Massachusetts Renewable Energy Portfolio Standard, MGL Part I, Title II, Chapter 25A Section 11F. This may include RECS from any Solar Carve Out 1 (SREC 1), Solar Carve Out II (SREC 2), and Solar Massachusetts Renewable Target (SMART) program eligible projects.

2.1.5.4 **The Class 2 Renewable Energy Credits must fill any of the following specifications**

- (a) Meet all MA requirements to qualify as RPS Class II Renewables RECs according to The Massachusetts Renewable Energy Portfolio Standard, MGL Part I, Title II, Chapter 25A Section 11F. The MBTA will not accept bids from projects that qualify under RPS Class II Waste Energy RECs according to The Massachusetts Renewable Energy Portfolio Standard, MGL Part I, Title II, Chapter 25A Section 11F.
- (b) Meet all Maine requirements to qualify as RPS Class II RECs according to The Maine Renewable Energy Portfolio Standard, (M.R.S. 35-A §3210).
- (c) Meet all Rhode Island Requirements as Existing Renewable Energy Resources under the RI Renewable Energy Standard Chapter 39-26 in Rhode Island General Laws.
- (d) Meet all Vermont requirements for Existing Renewable Energy under the Vermont Renewable Energy Program 30 V.S.A. § 8002-8005
- (e) Meet all New Hampshire requirements for Class III Existing Biomass/Methane, or Class IV existing small hydro, as defined in The New Hampshire Renewable Portfolio Standard statutes, RSA 362-F.



- (f) The MBTA will not accept bids that contain RECs defined as Class II renewable energy source or Class III source under the Connecticut Renewable Portfolio Standard as defined in §16-1(a)(20) of the General Statutes of Connecticut

- 2.1.6** Bidders must agree to the MBTA's Standard Contract. As part of this RFQ to qualify vendors, bidders may choose to red line any clauses in the Standard Contract; however, the MBTA does not commit to accept requested contract changes and significant or numerous changes may disqualify a Bidder from further consideration. Contracts will be negotiated and finalized with vendors before bid pricing is requested of pre-qualified bidders.
- 2.1.7** The Bidder(s) selected following the RFP will execute a contract as described in Section 7.

3. BIDDERS INSTRUCTIONS AND PROCUREMENT PROCESS

3.1 Bidders' Conference

MBTA will conduct a virtual pre-bid Bidders' Conference on Wednesday, August 9, 2023, at 3:30 PM (EDT). Interested bidders are requested to notify Rob Weiner by email at rweiner@mbta.com of their intention to attend. Bidder company name and full names of all expected participants should be communicated.

Bidders may join the video conference by following the link, or by copying and pasting it in a web browser: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDNkN2QxNjUtMWJkYS00NDcxLTk3YWUtYjlxYzVhZTE1MWM4%40thread.v2/0?context=%7b%22Tid%22%3a%227558e599-f006-481f-9717-b189e6730862%22%2c%22Oid%22%3a%22a661eeb4-c416-417c-9ad9-602a1ad0449f%22%7d

Meeting ID: 262 885 634 844 Passcode (if requested): 6DT3f

You may also dial in: (929) 352-1865. Meeting Id: 918 802 449#

Bidders please note: Bidders' Conference details are subject to change. Interested Bidders are strongly advised to confirm their intention to attend as noted above.

Each Bidder, by submittal of its Response, acknowledges the opportunity to attend the Bidders' conference, and waives any right to challenge this procurement based on its attendance at, or failure to attend, the Bidders' conference. Nothing stated at any Bidders' conference or included in a written record or summary of a Bidders conference will modify this RFQ or any other part of the RFQ unless it is incorporated in an addendum issued.

Each Bidder is encouraged to attend Bidders' conference with appropriate members of its proposed staff, and if requested by the MBTA, senior representatives of proposed team members identified by the MBTA. Nothing stated at any Bidders' conference or included in a written record or summary of a Bidders conference will modify this RFP or any other part of the RFP unless it is incorporated in an addendum issued.

3.2 Procurement Method

This RFQ is issued pursuant to the following laws and regulations: **Mass. Gen Laws, Ch. 161A.**

Bidder shall be responsible for making itself fully aware of, complying with, and in its Response



addressing the impact of and compliance with all applicable laws and regulations.

PLEASE NOTE. This RFQ will be launched and managed via COMMBUYS. Instructions for log-in and use of COMMBUYS are described in <http://www.mass.gov/anf/docs/osd/forms/instructions-for-vendors-responding-to-bids.docx>

Bidders may also contact the COMMBUYS Helpdesk at COMMBUYS@state.ma.us or the COMMBUYS Helpline at 1-888-MA-STATE. The Helpline is staffed from 8:00 a.m. to 5:00 p.m. Monday through Friday (Eastern Time), except on federal, state, and Suffolk county holidays.

It is the responsibility of Bidders to maintain an active registration in COMMBUYS and to keep current the email address of the Bidder's Designated Representative and to monitor that email inbox for communications from the MBTA, including responses to Bidder questions. The MBTA and the Commonwealth assume no responsibility if a Bidder's designated email address is not current, or if technical problems, including those with Bidder's computer, network, or internet service provider ("ISP") cause email communications sent to or from Bidder and the MBTA to be lost or rejected by any means including email or spam filtering.

Bidder shall review and study all documents thoroughly and report any discrepancies, omissions, technical queries, or other clarifications via COMMBUYS.

Questions and clarification requests submitted by Bidder will, together with MBTA's responses, be made available to all Bidders via COMMBUYS.

3.2.1 MBTA DESIGNATED REPRESENTATIVE

Unless specifically stated otherwise in this RFQ, Bidder must submit changes to Bidder's designated representative and any other communications in to the MBTA's Point of Contact via COMMBUYS. The MBTA's Point of Contact is Rob Weiner, rweiner@mbta.com.

3.2.2 IDENTIFICATION OF BIDDER DESIGNATED REPRESENTATIVE

When submitting a Bid, the Bidder must identify to the MBTA's Point of Contact its own Designated Representative to act on behalf of the Bidder relating to this procurement.

3.3 RFQ & RFP Calendar and Delivery Instructions

Bidder is required to prepare and submit all required RFQ documents to MBTA electronically via COMMBUYS unless specifically instructed otherwise.

The MBTA anticipates carrying out the procurement process in accordance with the schedule noted in the table below. All times are local Boston, Massachusetts, USA, times unless otherwise indicated. The schedule is subject to modification at the sole discretion of the MBTA. Bidders will be notified of any change by an addendum to this RFQ.



TABLE: RFP CALENDAR and Subsequent RFP Calendar		
Procurement Activity	Date	Time
RFQ issued	8/4/2023	
Pre-bid conference	8/9/2023	3:30 p.m.
Deadline for submission of Bidder questions via COMMBUYS Q&A	8/25/2023	2:00 p.m.
Official Answers for Bid Q&A published by MBTA on COMMBUYS	8/28/2023	4:00 p.m.
Response Due Date RFQ Renewable Energy Certificates	9/14/2023	2:00 p.m.
Qualified Renewable Energy Certificate Bidders notified	9/21/2023	
Renewable Energy Certificates Terms and Conditions Finalized (if necessary)	9/29/2023	
RFP (or price request) issued for Renewable Energy Certificates (RECs) to Qualified Bidders	10/3/2023	9:00 a.m.
Bidder RECs Price Submission due	10/3/2023	2:00 p.m.
Transaction Agreement Execution	10/5/2023	2:00 p.m.

3.4 Dissemination of Confidential Information

Not Applicable

3.5 Examination of RFQ

Each Bidder shall be solely responsible for examining, with appropriate care and diligence, the RFQ and any addenda and material made available to Bidders by the MBTA, and for informing itself with respect to any and all conditions that may in any way affect the amount or nature of its Response, or the performance of the Contractor's obligations under the Contract with the MBTA. Failure of the Bidder to so examine and inform itself shall be at its sole risk, and the MBTA will provide no relief for any error or omission.

The submission of a Response shall be considered prima facie evidence that the Bidder has made the above-described examination and is satisfied as to the conditions to be encountered in performing the Work and as to the requirements of the Contract.

3.6 Rules of Contact

Starting on the date the RFQ is issued and ending on the earliest of (a) the award and execution of the Contract, (b) rejection of all Responses by the MBTA, or (c) cancellation of the procurement, the following rules of contact shall apply. These rules are designed to promote a fair and unbiased procurement process. Contact includes face-to-face, telephone, email, or formal written communication.

The specific rules of contact are as follows:

- i. No Bidder, or any of its team members, may communicate with another Bidder or its team members with regard to this RFP or either team's Response, except that subcontractors that are shared between two or more Bidder teams may communicate with their respective team members so long as those Bidders establish a protocol to ensure that the subcontractor will not act as a conduit of information between the teams. This prohibition does not apply to public discussions regarding the RFP at any MBTA sponsored Bidders' conferences.



- ii. No Bidder or representative thereof shall have any ex parte communications regarding the RFQ, the Contract, or the procurement described herein with any member of the MBTA's Board of Directors, the Massachusetts Department of Transportation ("MassDOT") Board of Directors, or with any MassDOT or MBTA staff, advisors, contractors, or consultants involved with the procurement, except for communications expressly permitted by the RFQ or except as approved in advance at the MBTA's Point of Contact's sole discretion. The foregoing restriction shall not, however, preclude or restrict communications with regard to matters unrelated to the RFP, Contract, or procurement or from participation in public meetings of the MBTA or MassDOT Boards of Directors or any public or Bidder workshop related to this RFP.
- iii. The Bidders shall not contact employees, representatives, and members of Energy New England, LLC or KP Law, P.C. regarding this RFQ, subsequent RFP, the Contract, or the procurement.
- iv. Any communications determined by the MBTA, in its sole discretion, to be improper may result in disqualification.
- v. Any official information regarding this RFQ will be disseminated from the MBTA's Point of Contact via COMMBUYS.
- vi. The MBTA will not be responsible for or bound by any oral exchange or any other information or exchange that occurs outside the official process specified herein.
- vii. The MBTA will not be bound by, and Bidders should not rely on, any oral communications regarding the RFQ. Use of any information gathered or received from other agencies or entities shall be at the Bidder's own risk.

3.7 Clarifications of Specifications, Questions and Answers

Bidders shall review the RFQ, and any addenda issued by the MBTA prior to the Response Date, and request written clarification or interpretation of any perceived discrepancy, deficiency, ambiguity, error, or omission contained therein, or of any provision which the Bidder fails to understand or to which the Bidder is suggesting a change. Failure of the Bidder to so examine and inform itself shall be at its sole risk, and no relief for error or omission will be provided by the MBTA. Bidders shall submit, and the MBTA will respond to, questions and requests for written clarification in accordance with this Section 3.7.

Questions and clarification requests shall be minimized or aggregated to the extent possible. All questions and clarification requests shall be made by Bidder through the "Bid Q&A" tab in COMMBUYS. Such comments and questions may be submitted at any time prior to the applicable date specified in Section 3.3 or such later date as may be specified in any addendum and shall: (i) identify the document; (ii) identify the relevant section number and page number) or, if it is a general question, indicate so; and (iii) not identify the Bidder in the body of the question or contain proprietary or confidential information. Questions submitted in any other format or method than that described above will not be considered.

Responses to requests for clarification or questions will be provided in writing and issued by the MBTA's Point of Contact via the COMMBUYS. In addition, the MBTA reserves the right to, in its sole discretion, not answer all questions submitted by Bidders.

It is the Bidder's responsibility to verify the MBTA's receipt of questions and clarification requests.

3.8 RFQ Addendum

The MBTA reserves the right to issue addenda to the RFQ after initial publication.

It is each Bidder's responsibility to monitor COMMBUYS for any addenda and any Bid Q&A records related to this RFQ. The MBTA and the Commonwealth accept no responsibility and will provide no



accommodation to Bidders who submit their Response based on an out-of-date RFQ or on information received from a source other than COMMBUYS.

By submission of RFQ and subsequent RFP Response if pre-qualified, Bidders acknowledge receipt of any and all addenda including question and answer responses.

3.9 MBTA Standard Contract and Terms & Conditions

The MBTA does not encourage attempts to negotiate the Attachment 1: Massachusetts Bay Transportation Authority Standard Contract Terms & Conditions. Many of these provisions are required by law; others are longstanding MBTA policy / practice. Accordingly, Bidders / proposers should only redline or object to provisions that they find absolutely unacceptable. Any rejection or modification of these provisions may disqualify a Bid / proposal as being non-responsive or non-compliant.

3.10 Confidentiality / Public Information Act Disclosure Requests

3.10.1 Disclosure Waiver

Each Bidder, by submitting a Response to the MBTA in response to the RFQ, consents to the disclosures described in this RFQ, including this Section and all other disclosures required by law, and expressly waives any right to contest, impede, prevent, or delay such disclosure, or to initiate any proceeding that may have the effect of impeding, preventing, or delaying such disclosure, under Mass. Gen. Laws, ch. 66 (the Massachusetts Public Records Law or “Public Records Law”) or any other law relating to the confidentiality or disclosure of information. Under no circumstances will the MBTA be responsible or liable to a Bidder or any other party as a result of disclosing any such materials. Each Bidder hereby further agrees to assist the MBTA in complying with these disclosure requirements.

3.10.2 Public Disclosure of Response Documents

Subject to applicable law, after execution of the Contract, or in the event that the procurement is cancelled by the MBTA, the MBTA shall have the right to publicly disclose any and all portions of all Responses. The MBTA will not disclose material deemed confidential by the MBTA in accordance with Section 3.10.3, unless otherwise required by law.

3.10.3 Disclosure Process for Requests Under the Public Records Law

All written correspondence, exhibits, reports, printed material, photographs, tapes, electronic disks, and other graphic and visual aids submitted to the MBTA during this procurement process, including as part of the response to this RFQ, become the property of the MBTA upon their receipt by the MBTA and will not be returned to the submitting parties. Except as provided by applicable law, all materials submitted to the MBTA are subject to release as public records. Bidders shall familiarize themselves with the provisions of applicable law (including the Public Records Law) pertaining to disclosure of information in the MBTA’s possession. In no event shall the MBTA, or any of its agents, representatives, consultants, directors, officers, or employees, be liable to a Bidder or Bidder team member for the disclosure of all or a portion of a Response or related information submitted during this procurement.

If a Bidder has special concerns about information which it desires to make available to the MBTA but which it believes constitutes a trade secret, proprietary information, or other information excepted from disclosure, such responding Bidder shall specifically and



conspicuously designate that information by placing “**TRADE SECRET - PROPRIETARY**” in the header or footer of each such page affected and by identifying such trade secret, proprietary information in the Technical Proposal Cover Letter (see Enclosure 1). Nothing contained in this provision shall modify or amend requirements and obligations imposed on the MBTA by the Public Records Law or other applicable law. The provisions applicable law, including the Public Records Law, shall control in the event of a conflict between the procedures described above and the applicable law.

If the MBTA receives a request for public disclosure of all or any portion of a Response or its related information that is designated as “Trade Secret - Proprietary,” the MBTA will endeavor to use reasonable efforts to notify the applicable Bidder of the request. The Bidder can assert, in writing and at its sole expense, a claimed exception under the Public Records Law or other applicable law, within the time period specified in the notice issued by the MBTA and allowed under the Public Records Law. The Bidder can choose to defend any action seeking release of the records it believes to be confidential information. The Bidder shall indemnify, defend, and hold harmless the MBTA and its agents and employees in connection with the Bidder’s opposition to a public records request, and such indemnification shall include all damages, costs and expenses (including reasonable attorney’s fees) the MBTA incurs because of or arising out of the Bidder’s opposition to any public records request. This indemnification survives the MBTA’s cancellation or termination of this procurement or award and subsequent execution of a Contract. In submitting a Response, the Bidder agrees that this indemnification survives as long as any information submitted by the Bidder is in the possession of the MBTA.

The MBTA shall not under any circumstance be responsible for securing a protective order or other relief enjoining the release of information marked “Trade Secret – Proprietary” in any Response, nor shall the MBTA be in any way financially responsible for any costs associated with securing any such order or for any loss associated with the release of information marked “Trade Secret – Proprietary” or otherwise.

3.11 Business Conduct

All Responses submitted by a Bidder to the MBTA shall be made without collusion with any other Bidder(s) submitting a Response to this RFQ and subsequent RFP.

Bidder shall not directly or indirectly, in relation to this RFQ/RFP, give, promise, attempt to give, or approve or authorize the giving of anything of value, including by transferring all or part of the remuneration payable under any Contract, to:

- a) any person employed or representing the MBTA;
- b) any other person, including any public official;
- c) a political party or a labor union controlled by any governmental authority or political party; or
- d) a charitable or other organization, or an officer, director, or employee thereof, or any person acting directly or indirectly on behalf of the same

for the purpose of (i) securing any improper advantage for either Bidder or the MBTA; (ii) inducing or influencing a public official improperly to take any action or refrain from taking any action in order for either Bidder or the MBTA to obtain or retain business, or to secure the direction of business to either Bidder or the MBTA, or (iii) inducing or influencing a public official to use his or her influence with any governmental authority or public international organization for any such purpose.



3.12 Collusion

By the submission of a Bid in response to the RFQ and subsequent RFP, the Bidder represents and certifies that its Bid is made without collusion with any other Bidder submitting a Bid on the same commodity / service and is in all respects fair and without fraud.

3.13 Prices

Reserved.

3.14 Acceptance Period

Reserved.

3.15 Eligible Entities

Reserved.

3.16 Pre-Contractual Expenses

The MBTA shall not be liable for any pre-contractual expenses incurred by the Bidder in connection with this RFQ. The Bidder shall not include any such expenses as part of its proposal. Pre-contractual expenses include all expenses the Bidder incurs prior to the date the MBTA enters into a Contract with any Bidder (or prior to the MBTA's withdrawal or cancellation of the RFQ/RFP, as the case may be), such as, but not limited to, expenses the Bidder incurs in preparing its Bid, submitting its Bid to the MBTA, negotiating with the MBTA any matter related to this RFQ/RFP, and inspection, testing, shipping, and return shipping of proposed goods or samples.

3.17 Tax Exemption

The MBTA is exempt from Federal Excise Tax, including Transportation Tax, and will furnish properly executed tax exemption certificates upon request. The MBTA is also exempt from Massachusetts State Sales Tax — Exemption Number E-042-323-989. Such taxes should not be included in Bid prices.

The Bidder alone shall be responsible for payment of all federal, state and local taxes of all types and kinds applicable to any Agreement it enters into with the MBTA and/or to the compensation it receives from the MBTA or any other party in connection with such Agreement.

3.18 Insurance

Reserved.

4. SUBMISSION OF RESPONSE

4.1 Response Submissions

Responses shall be submitted via COMMBUYS.

The RFQ Response is comprised of the following:

- Bid Cover Letter
- Power of Attorney (as described in Section 4.2 of this RFQ)
- Form A: RFQ Response Form and supporting documents
- Form B: Small Business Program Attestation Form
- MBTA Terms and Conditions (Attachment 1) with requested edits, if any



If a Bidder is a team, whether or not legally formed, the Bid Cover Letter shall be signed by all parties to the Bidder so that the Response is legally binding upon each member of the Bidder.

Any interlineations, erasures or overwriting in the Response will only be valid if they are initialed by the Authorized Signatories.

Bidders shall submit Responses including all forms and schedules and shall not remove pages from the provided forms.

Any Response which materially fails to meet the Response requirements of the RFQ will be found non-responsive without further evaluation unless the evaluation team, at its discretion, determines that the non-compliance is insubstantial and can be corrected. In these cases, the evaluation team may allow the Bidder to make minor corrections to the Response.

4.2 Power of Attorney

Bidder shall enclose a power of attorney in its own form, duly signed by a legally authorized officer of the Bidder authorizing the Authorized Signatories to sign the Response and bind the Bidder to the Response.

4.3 Acceptance of Response

The Response constitutes a binding offer by the Bidder to enter into the Contract, and the MBTA shall have the right to accept or reject such offer and/or any conditions proposed in full or in part. If the Response is accepted, the Bidder shall conclude the Contract with the MBTA based on the RFQ, any addenda, the Response and any agreed amendments or modifications thereto. Until the formal Contract is signed, Bidder has no authority to proceed with the Scope of Work or to incur any costs for which MBTA may be held liable. The MBTA shall have no obligations to Bidder until a formal contract has been entered into.

4.4 Incomplete Response

If Bidder does not fully comply with this RFQ, or if the Response is incomplete or vague, the Response may not be considered, unless the MBTA in its absolute discretion decides otherwise.

5. MBTA POLICIES

5.1 Small, Diverse-owned, and Disadvantaged Businesses

It is the policy of the Commonwealth and the MBTA to ensure non-discrimination in the Procurement of goods and services by continually modernizing systems and processes to include diversity criteria within state-funded RFPs greater than \$250k. All awarded prime vendors that commit to partnerships with diverse subcontractors will be responsible for submitting a Supplier Diversity Affidavit detailing any spend with subcontractors monthly. Direct spend with subcontractors will be prioritized over indirect spend.

The MBTA is dedicated to promoting more equitable opportunities in state contracting, and to that end, encourages full participation of the Commonwealth's Supplier Diversity Office's recognized certifications, which include small business, Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), Veterans Business Enterprises (VBEs), Service-Disabled Veteran Business Enterprises (SDVOBEs), Disability-Owned Business Enterprises (DOBEs), and Lesbian, Gay, Bisexual, and Transgender Business Enterprises (LGBTBEs) and Disadvantaged Business Enterprises (DBEs). The MBTA also acknowledges certifications by third-party certifying organizations including the Greater New England Minority Supplier Development Council (GNEMSDC), Center for Women & Enterprise (CWE) (New England - WBENC), City of Boston, VetBiz/U.S. Department of Veterans Affairs, NGLCC - National LGBT Chamber of Commerce, Disability: IN (formerly The US Business Leadership Network-USBLN). More on how to certify through the Supplier Diversity Office can be found here: <https://www.mass.gov/certification-program-for-sdo>.



6. SELECTION PROCESS AND EVALUATION

6.1 Response Opening and Confidentiality

Subject to applicable law, prior to Contract execution, the MBTA intends to treat all information received from each Bidder as confidential information to be used for the purpose of evaluating the Response.

6.2 RFQ Responsiveness Review

The MBTA reserves the right, in its sole discretion, to determine if a Bid is responsive and the Bidder is responsible. In determining whether a Bidder has the ability to perform successfully under the terms and conditions of the proposed procurement, the MBTA will consider such matters as the Bidder's integrity, compliance with public policy (e.g., EEO record, attainment of DBE goal, debarment status, etc.), record of past performance, and financial and technical resources. Bidder is required to complete **Form A: RFQ Response Form**.

Upon receipt, the RFQ Responses will be reviewed for responsiveness to the RFQ requirements. The Responses will be reviewed for (i) deficiencies and minor informalities, irregularities, and apparent clerical mistakes which are unrelated to the substantive content of the Response; (ii) conformance to the RFQ instructions regarding organization and format; and (iii) the responsiveness of the Bidder to the requirements set forth in this RFQ. The MBTA may request Bidder clarification of any minor informalities, irregularities, and apparent clerical mistakes, after which the MBTA may evaluate the Response, at the MBTA's sole discretion.

RFQ Responses deemed not responsive to this RFQ may at the MBTA's sole discretion be excluded from further consideration and the Bidder will be so advised.

The MBTA may also exclude from consideration any Bidder whose Response contains a material misrepresentation.

6.3 RFQ Evaluation and Notification

The MBTA will evaluate each Response and seek clarifications as necessary through requests for clarification or in meetings to be arranged at MBTA discretion. The process may, at the MBTA's sole discretion, include requests for additional written information or clarification from any Bidder.

6.4 RFQ Response Evaluation Criteria

RFQs will be evaluated on the Evaluation Criteria identified below. The MBTA may request Bidder clarification on any part of a Bidder's Response, after which MBTA may re-evaluate the Response, at MBTA's sole discretion.

Criteria	Evaluation Basis
Bidder Legal standing	Form A Public records
Agreement to MBTA Terms and Conditions	RFQ Response
Financial Strength	Form A
Bidder Experience and Capabilities including NEPOOL GIS	Form A
Supplier Diversity	Form A



Bidders will not advance to the subsequent RFP (or pricing) phase of the procurement unless they have provided a satisfactory, complete response to the RFQ. The MBTA reserves the right to limit the number of bidders invited to participate in the RFP phase of the procurement to just the highest rated Bidders according to the above criteria.

6.5 RFP (or Price Response) Evaluation

As described in Section Pricing 3.3, Bidders qualified through the RFQ process will be invited to submit pricing through an RFP process on October 3, 2023.

RFP (or price) Responses will be evaluated for responsiveness. The MBTA will determine whether Responses are responsive and reasonable. The MBTA reserves the right to accept or reject, at its sole discretion, any or all Responses in full or in part.

RFP (or price) Responses will include generation type and origin of RECs if known. The MBTA reserves the right to consider generation type and origin during bid review.

6.6 Basis of Award

The MBTA reserves the right to award to one or more bidders in order to establish sources of supply from multiple projects and locations, diversify geography, select a broad supplier base, and obtain a variety of energy sources.

6.7 Successful Bidder(s)

The successful Bidder(s) will be posted in COMBUYS. If applicable, all unsuccessful Bidders shall immediately return all confidential information to the MBTA.

6.8 MBTA Reserved

In connection with this RFQ and RFP, the MBTA reserves to itself all rights (which rights shall be exercisable by the MBTA in its sole discretion) available to it under applicable laws, including without limitation, with or without cause and with or without notice, the right to:

- a) Modify the RFQ/RFP process in its sole discretion to address applicable law and/or the best interests of the MBTA.
- b) Develop the work to be performed under the Contract in any manner that it, in its sole discretion, deems necessary. If the MBTA is unable to negotiate a Contract to its satisfaction with a Bidder, it may negotiate with the Bidder with the next highest ranked proposal, terminate this RFQ/RFP and pursue other developments or solicitations relating to the work to be performed under the Contract, or exercise such other rights under the provisions of Massachusetts law as it deems appropriate.
- c) Cancel this RFQ/RFP in whole or in part at any time prior to the execution by the MBTA of a Contract, without incurring any cost, obligations, or liabilities.
- d) Issue a new Request for Proposals after withdrawal of this RFQ/RFP.
- e) Not select any Bidder or cancel this procurement.
- f) Reject any and all submittals and Responses received at any time.



- g) Modify all dates set or projected in this RFQ/RFP.
- h) Terminate evaluations of Responses received at any time.
- i) Exclude any potential Bidder from submitting any response to the RFQ/RFP based on failure to comply with any requirements of those documents.
- j) Suspend and terminate Contract negotiations at any time, elect not to commence Contract negotiations with any responding Bidder, and engage in negotiations with the Bidder with the next highest ranked proposal if negotiations are unsuccessful with the apparent successful Bidder.
- k) Issue addenda, supplements, and modifications to this RFQ.
- l) Appoint an Evaluation Team to evaluate Responses, make recommendations to the MBTA and MassDOT Boards of Directors, and seek the assistance of MBTA, MassDOT, and consultant technical experts in Response evaluations.
- m) Require confirmation or clarification of information furnished by a Bidder, require revised or additional information from a Bidder concerning its Response, and require additional information to clarify a Response.
- n) Conduct presentations with Bidders, identify a short-list of Bidders, and conduct on-site visits at Bidder facilities.
- o) Declare a competitive range, conduct discussions, and request Response revisions and best and final offers.
- p) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFQ.
- q) Add or delete Bidder responsibilities from the information contained in this RFQ.
- r) Waive deficiencies in a Response, accept and review a non-conforming Response, or permit clarifications, revisions, or supplements to a Response.
- s) Negotiate with a Bidder without being bound by any provision in its Response, or choose to award and/or execute the Contract without negotiations.
- t) Disqualify any Bidder that changes its submittal without MBTA approval.
- u) Disqualify any Bidder under this RFQ for violating any rules or requirements of the procurement set forth in this RFQ or in any other communication from MBTA.
- v) Delay issuance of notice to proceed after execution of the Contract.
- w) Conduct all or any portion of the Scope of Work itself.
- x) Exercise any other right reserved or afforded to the MBTA under this RFQ or available pursuant to applicable law.

This RFQ does not commit the MBTA to enter into a Contract or proceed with the procurement described herein. The MBTA assumes no obligations, responsibilities, and liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFQ. All of such costs shall be borne solely by each Bidder.

In no event shall the MBTA be bound by, or liable for, any obligations with respect to the work to be performed under the Contract until such time (if at all) as the Contract, in form and substance satisfactory to the MBTA, has been executed and authorized by the MBTA and, then, only to the extent set forth therein.

In submitting a response to the RFQ, each Bidder is specifically acknowledging these disclaimers.



6.9 Appeal / Protest Procedures

Bid appeals / protests relative to this procurement will be reviewed and adjudicated in accordance with the MBTA's Appeals / Protest Procedure - Goods & Services. A copy of this procedure is available online at www.mbta.com.

7. CONTRACT STRUCTURE

The contract ("Contract") between the MBTA and the winning Bidder(s) shall be formed by the following sections ("Sections") of COMMBUYS # BD- [23-1206-40000-40000-91614](#) and RFQ # [139B-23](#) in order of precedence.

1. Any change orders or amendments, the most recent having precedence
2. Memorandum of Contract
3. Transaction Confirmation (including pricing schedule)
4. Standard Contract and Terms & Conditions
5. RFQ 139B-23 including all certifications, statements, schedules, exhibits, addenda and Q&A



Enclosure 1 – Bid Cover Letter

Massachusetts Bay Transportation Authority
Attention: Procurement and Logistics Department
10 Park Plaza, Suite 2810
Boston, MA 02116

Instructions: Bidders shall complete the Bid Cover Letter below with their company name and completed check boxes to indicate the bid documents that constitute their bid. **The Bid Cover Letter should be included with all bid documents submitted to the MBTA.**

RFQ #:	139B-23
COMMBUYS Bid #	BD- 23-1206-40000-40000-91614
Project Name:	RENEWABLE ENERGY CERTIFICATES (RECs)
Bidder (Company Name):	

The undersigned Bidder having carefully examined and understood the documents included in the Request for Qualification (“RFQ”), hereby offers to MBTA the “*Bid*” as contained in the following responses enclosed with this letter:

Forms	Check to Indicate Submitted Bid Documents
Power of Attorney (as described in Section 4.2)	<input type="checkbox"/>
Enclosure 1 – Bid Cover Letter	<input type="checkbox"/>
Form A: RFQ Response Form (including requested supplemental material)	<input type="checkbox"/>
Form B: Small Business Attestation	<input type="checkbox"/>
Commented Section 8.1 Massachusetts Bay Transportation Authority Standard Terms and Conditions (If applicable. Comments and requested edits are discouraged.)	<input type="checkbox"/>



We confirm that our Bid is in exact accordance with the solicitation with no exceptions to, or comments upon, the solicitation documents. We confirm that the submission of our Bid with the signature below makes all certifications as outlined in the solicitation documents. This Bid shall constitute a binding offer open for acceptance by the MBTA.

We confirm that this Bid has been prepared and is compliant with the solicitation instructions and agree to conduct ourselves in accordance with the solicitation. We confirm receipt of all addenda related to this solicitation.

The undersigned are authorized to sign on behalf of and to bind _____ (include Bidder's name) to the provisions of this Bid.

Bidder (company name): _____

Authorized Representative Name: _____

(BLOCK LETTERS)

Authorized Representative's Signature: _____

Title: _____

Date: _____



Form A: RFQ Response Form

Legal Name of Firm:			
Federal Identification Number:			
Legal Address:			
Contact Name:			
Telephone Number:			
Email:			
Please select one: <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Joint Venture			
Date Organized:		State Incorporated:	
Names of Officers or Partners:			
Please provide details of any litigation, suits, or court action taken or pending against Bidder below:			
Please provide the following information that demonstrates that the Bidder together with its selected Affiliates and or Subcontractors has the required capabilities to successfully execute the Work. Please submit as attachments the following requested documents:			Check Attachment
Audited financial statements for the last 3 financial years or other proof of financial stability			<input type="checkbox"/>
Please provide answers to the following questions:			Check Answer
Do you have any outstanding indebtedness or unsecured loans or debts or trading losses not reported within the financial reports?			Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you have any contracts over the last five years that were assessed liquidated damages or termination for non-performance?			Yes <input type="checkbox"/> No <input type="checkbox"/>



Are you a member of the NEPOOL GIS system and authorized to provide RECs in it?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you able to provide RECs with a specific project origin? If so, please provide the origin(s) information?	
As a separate document, please: 1. Describe your experience with this scope of work 2. Describe the experience of key personnel assigned to this contract 3. Address the following questions regarding Supplier Diversity: a. Provide a specific financial commitment on this contract to be spent with certified Supplier Diversity Program vendors on a Massachusetts fiscal year (July 1-June 30) basis b. What business opportunities have you established with diverse vendors? What partnerships could you leverage with diverse vendors specific to this procurement? c. Submit your company's Supplier Diversity program and/or any information regarding diverse hiring practices and diverse community outreach.	

If the Bidder or subcontractor is a joint venture, submit this Pre-Award Bidder Evaluation Data form for each member of the joint venture.



Form B: Small Business Program Attestation Form

To qualify under the MBTA's Small Business Program, the following criteria apply:

- Principal place of business in Massachusetts
- Business operating for at least one year
- Currently employs a combined total of 50 or fewer full-time equivalents in all locations
- Gross annual revenues of \$15 million or less based on a 3-year average

Please select one:

☐ YES, the above criteria apply ☐ NO, the above criteria do not apply

If YES, please complete the fields below. If NO, complete 'Name of Firm' field below only.

Return the form with the bid submission.

Name of Firm:	
Federal Identification Number:	
Legal Address:	
Contact Name:	
Telephone Number:	
Email:	
Please select one: <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Joint Venture	
Total Number of Full-Time Employees:	[[]]
Date Organized:	
State Incorporated:	
Please provide supporting documentation regarding gross annual revenues of \$15 million or less based on a 3-year average (attachments acceptable):	



Attachments:

MBTA Terms and Conditions

REC Transaction Agreement – For Review Purposes Only

REC Pricing Sheet – For Review Purposes Only

